

Westerman #1

**Amendment to the Amendment in the Nature of a Substitute to H.R. 4690**

**Offered by Mr. Westerman of Arkansas**

On page 166 in section 504, the newly designated paragraph (e)(6) is amended –

By striking “(6) Interim Measures. — During”;

By inserting “(6) Interim Measures. —

“(A) Reducing Overfishing. — During”; and

By inserting at the end –

“(B) Temporary Marine Mammal Removal Authority.

“(i) Authority. — The Secretary may issue a permit to an eligible entity to authorize the intentional lethal taking on the waters of the Puget Sound and its tributaries of individually identifiable sea lions or seals that are part of a population or stock that is not categorized as depleted or strategic for the purpose of protecting species of salmon, steelhead, or eulachon that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

“(ii) Permit Process. —

“(I) In General. — An eligible entity may apply to the Secretary for a permit under this subsection.

“(II) Timelines and Procedures of Application. — The timelines and procedures described in subsection (c) of 16 U.S.C. 1389 shall apply to applications for permits under this subsection in the same manner such timelines apply to applications under subsection (b) of 16 U.S.C. 1389.

“(III) Coordination. — The Secretary shall establish procedures to coordinate issuance of permits under this subsection, including application procedures and timelines, delegation and revocation of permits to and between eligible entities, monitoring, periodic review, and geographic, seasonal take, and species-specific considerations.

“(IV) Duration of Permit. — A permit under this subparagraph shall be effective for a period of not more than 5 years, and may be renewed by the Secretary.

“(iii) Limitations on Annual Takings. — The Secretary shall apply the process for determining limitations on annual take of sea lions and seals under subsection (c) to determinations on limitations under this subsection, and the cumulative number of sea lions authorized to be taken each year under all permits in effect

under this subsection shall not exceed 10 percent of the annual potential biological removal level for sea lions and seals.

“(iv) Qualified Individuals.—Intentional lethal takings under this subparagraph shall—

“(I) be humane within the meaning of such term under section 3(4) of 16 U.S.C. 1389;

“(II) require that capture, husbandry, transportation, and euthanasia protocols are based on standards propagated by an Institutional Animal Care and Use Committee and that primary euthanasia be limited to humane chemical methods; and

“(III) be implemented by agencies or qualified individuals described in subsection (c)(4) of 16 U.S.C. 1389, or by individuals employed by the eligible entities described in paragraph (6).

“(v) Suspension of Permitting Authority.—If, 5 years after the date of the enactment of the Sustaining America’s Fisheries for the Future Act of 2022, after consulting with State and tribal fishery managers, determines that lethal removal authority is no longer necessary to protect salmonid and other fish species from sea lion and seal predation, the Secretary shall suspend the issuance of permits under this subparagraph.

“(vi) Eligible Entity Defined.—

“(I) Definition.—In this subparagraph, the term ‘eligible entity’ means—

“(aa) with respect to removal in the Puget Sound and its tributaries, the State of Washington;

“(bb) with respect to removal in the Puget Sound and its tributaries, interested federally recognized tribes with recognized treaty rights within the Puget Sound watershed.

“(vii) Treaty Rights of Federally Recognized Indian Tribes.—Nothing in this subparagraph shall be construed to enlarge, confirm, adjudicate, affect, or modify any treaty or other right of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(viii) Report.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Commerce shall study and report to Congress on the effects of deterrence and the lethal taking of sea lions and seals on the recovery of endangered and threatened salmon and steelhead stocks in the waters of the Puget Sound and its tributaries subject to section 120(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1389(f)).